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HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 144 of 2007

Petitioner — Lekhram son of Lallaram Sahu, aged about 40 years, resident of Mudpaar, P.S. Lalbagh, District-Rajnandgaon(CG)

Versus

Respondents

1. Lallaram alias Lalla Prasad, son of Sawant Ram Sahu, aged about 70 years, resident of Mudpaar, P.S. Lalbagh, District Rajnandgaon (CG)
2. State of Chhattisgarh through the Collector, Rajnandgaon(CG)

Appearance:

Shri Ajit Singh, counsel for the petitioner.

ORAL ORDER
(04.07.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

This petition is directed against the order dated 20.3.2007, passed in Criminal Revision No.123/2006 by the Additional Sessions Judge, Rajnandgaon(CG), whereby, the said Court confirmed the order passed by the Judicial Magistrate First Class, Rajnandgaon on 16.10.2006 in Misc. Criminal Case No.19/2006, by which, an amount of Rs.500/- p.m. was awarded as interim maintenance to respondent No.1.

Learned counsel for the petitioner argues that the award of interim maintenance is not in accordance with law, as *prima facie* the relationship between the parties has not established.

It appears that the trial Court has dealt with this matter and has held that on the basis of affidavit filed by the uncle-Majun (real brother of respondent No.1) *prima facie*, it was established that respondent No.1 was the father of the

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petitioner. On this *prima facie* evidence, the amount of interim maintenance was granted to respondent No.1, which was confirmed by the revisional Court.

The provisions of Section 125 Cr.P.C. are enacted for social justice and especially to protect the women and children as also the old and infirm poor parents and falls within the sweep of Article 15 (3) reinforced by Article 39 of the Constitution of India. The provision gives effect to the natural and fundamental duty of a man to maintain his wife, children and parents so long as they are unable to maintain themselves.

In view of the provisions of Section 125 Cr.P.C. as also the above principles, I am of the opinion that the Courts below have committed no error of law while granting the interim maintenance of Rs.500/- p.m. to respondent No.1, warranting interference by this Court under Section 482 Cr.P.C.

The petition has no merit. The same is not worth admission and is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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